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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,219	01/21/2004	Kia Silverbrook	SMA04US	1368

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SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

EXAMINER

UHLENHAKE, JASON S

ART UNIT	PAPER NUMBER
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2853

NOTIFICATION DATE	DELIVERY MODE
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10/02/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/760,219	Applicant(s) SILVERBROOK ET AL.	
	Examiner JASON S. UHLENHAK	Art Unit 2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 18, 20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) 2-16 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 20-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/4/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 20 is dependent from claim 19 which is cancelled, appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silverbrook (U.S. Pub. 2002/0093569) in view of Yoshino et al (U.S. Pub. 2001/0033314)

Silverbrook discloses:

- ***regarding claim 1***, a cartridge (504) for a digital photofinishing system (Abstract; Paragraphs 0005-0008) having a digital processor and a printer arranged to receive drive signals from the digital processor (Paragraphs 005, 0061-0065); the cartridge (504) being arranged to be mounted removably in juxtaposition to the printer (Figures 12-13) and comprising a replaceable roll of print media and a replaceable

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source of printing fluid (548), both of which are arranged to be delivered on demand to the printer (Abstract)

- print media feed means arranged to couple with drive means of the digital photofinishing system (Paragraphs 0040-0041)

- **regarding claim 21**, wherein the print media feed means include a drive roller and a pinch roller (534, 536), wherein the drive means comprises a drive motor (Paragraphs 0040-0042)

Silverbrook does not disclose expressly the following:

- **regarding claim 1**, a door in a wall portion of the cartridge arranged to be open during printing so as to expose a wound portion of print media to enable a roller of the digital photofinishing system to contact the wound portion of the roll of print media; wherein an unwound portion of the roll of print media is fed through the printer by operation of the roller on the wound portion of the roll of print media and the coupled drive and print media feed means

Yoshino discloses:

- **regarding claim 1**, a door (Figure 9) in a wall portion of the cartridge arranged to be open during printing so as to expose a wound portion of print media to enable a roller of the digital photofinishing system to contact the wound portion of the roll of print media; wherein an unwound portion of the roll of print media is fed through the printer by operation of the roller on the wound portion of the roll of print media and the coupled drive and print media feed means (Figure 9; Abstract; Paragraphs 0133-

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0135). Yoshino discloses an opening in the media cassette for a roller to access the media and to feed the media by contacting the surface of the printing media.

At the time the invention was made it would have been obvious to a person of ordinary skill in the art to incorporate a door or cover over the media opening as taught by Yoshino, into the device of Silverbrook, for the purpose of protecting the media from damage and dust and a roller to feed the printing media.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Silverbrook (U.S. Pub. 2002/0093569) as modified by Yoshino et al (U.S. Pub. 2001/0033314) as applied to claim 1 above, and further in view of Driggers (U.S. Pub. 2003/0076397) and Enix (U.S. Pat. 4,904,100)

Silverbrook as modified by Yoshino discloses:

- ***regarding claim 20***, a roller (104) arranged to engage the roll of print media when the door (Figures 9-12) in the cartridge is open (Yoshino: Abstract; Paragraphs 0133-0135)

Silverbrook as modified by Yoshino does not disclose expressly the following:

- ***regarding claim 20***, a second drive motor arranged to impart rotary drive to the roller; a paper feed drive mechanism which comprises a pivotal carrier, a first drive motor arranged to impart pivotal drive to the pivotal carrier

Driggers discloses:

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- **regarding claim 20**, a paper feed drive mechanism which comprises a pivotal carrier, a first drive motor arranged to impart pivotal drive to the pivotal carrier (Paragraphs 0029, 0035), for the purpose of selectively engaging the members of the print media

Enix discloses:

- **regarding claim 20**, a second drive motor (12) arranged to impart rotary drive to the roller (Column 2, Lines 48-61), for the purpose of performing a print media advancing means to move print medium

At the time the invention was made it would have been obvious to a person of ordinary skill in the art to incorporate a pivotal carrier controlled by an electrical motor in order to convey media as taught by Driggers and Enix into the device of Silverbrook as modified by Yoshino, for the purpose of selectively engaging the members of the print media (Paragraph 0029) and performing a print media advancing means to move print medium

Response to Arguments

Applicant's arguments with respect to claims 1, 20-21 have been considered but are moot in view of the new ground(s) of rejection. Please see the above rejection regarding Silverbrook (U.S. Pub. 2002/0093569) in view of Yoshino et al (U.S. Pub. 2001/0033314)

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON S. UHLENHAKKE whose telephone number is (571)272-5916. The examiner can normally be reached on Monday-Friday 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JASON S UHLENHAKE/
Examiner, Art Unit 2853
September 21, 2009

/Julian D. Huffman/
Primary Examiner, Art Unit 2853